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an outer surface covering said frame; and

a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface.

14. (once amended) A dishwasher door assembly comprising:

63
an outer door panel comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge; and

an inner door panel attached to said outer door panel.

64
17. (once amended) A dishwasher door assembly comprising:

an outer door panel comprising a bowed outer surface and a recessed control surface shielded by said outer surface; and

a unitary inner door panel attached to said outer door panel.

65
21. (once amended) A dishwasher door assembly in accordance with Claim 19 wherein said escutcheon is fabricated from plastic.

Remarks

The Office Action mailed June 9, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith is a Submission of Marked Up Paragraphs and Claims.

Claims 1-21 are now pending in this application. Claims 1-21 stand rejected.

The rejection of Claim 21 under 35 U.S.C. § 112 is respectfully traversed. Claim 21 has been amended. Applicants respectfully submit that Claim 21 meets the requirements of Section 112, second paragraph.

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9D-DW-19866
PATENT

For the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claim 21 be withdrawn.

The rejection of Claims 1-21 under 35 U.S.C. § 102(e) as being anticipated by Nam, U.S. Patent No. 6,190,712 (hereinafter referred to as "Nam") is respectfully traversed.

Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration. Figure 5 of Nam is a schematic block diagram of hardware illustrating the cold-storage method of a kimchi jar, where the hardware includes a manipulating unit (32), a temperature detecting sensor (50), a control unit (60), a display unit (34) and a compressor driving unit (70). Manipulating unit (32) serves to selectively input various courses of the kimchi jar according to manipulation of a user and temperature detecting sensor (50) is designed to detect an in-chamber temperature of cool chamber (40) to thereby input same to control unit (60).

Control unit (60) generates a control signal for selectively driving the compressor and a heater (16) according to various courses selectively input by manipulating unit (32) and a control signal for displaying a current status of the kimchi jar. Control unit (60) also generates a control signal for storing the kimchi in a cool chamber (40) at an established cold storage temperature.

Claim 1 recites an outer door panel for an appliance door assembly, wherein the outer door panel includes "a frame comprising opposite lateral sides...an outer surface extending from said frame and bowed between said lateral sides...and a recessed control mounting surface extending inwardly from said outer surface between said lateral sides."

Nam does not describe or suggest an outer door panel for an appliance door assembly, wherein the outer door panel includes a frame that includes opposite lateral sides, an outer surface extending from the frame and bowed between the lateral sides, and a recessed control mounting surface extending inwardly from the outer surface between the lateral sides. Rather, Nam describes describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration. Nowhere does Nam describe or suggest that the control mounting surface is recessed. In addition, Nam neither describes nor suggests that the control mounting surface extends inwardly from the outer surface. For the reasons set forth above, Claim 1 is submitted to be patentable over Nam.

Via Facsimile: (703) 872-9326

9D-DW-19866
PATENT

Claims 2-7 depend directly or indirectly from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are patentable over Nam.

Claim 8 recites an outer door panel for a dishwasher, wherein the outer door panel comprises "a frame comprising a longitudinal axis...an outer surface covering said frame...and a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface."

Nam does not describe or suggest an outer door panel for a dishwasher, wherein the outer door panel includes a frame that includes a longitudinal axis, an outer surface covering the frame, and a control panel mounting surface within the frame and surrounded by the frame outer surface, the control panel mounting surface inclined with respect to the longitudinal axis, such that the control panel mounting surface is mostly shielded by the outer surface. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration. Nowhere does Nam describe or suggest that the control panel mounting surface is surrounded by the outer surface. In addition, Nam neither describes nor suggests that the control panel mounting surface is inclined with respect to a longitudinal axis, such that said control panel mounting surface is mostly shielded by the outer surface. For the reasons set forth above, Claim 8 is submitted to be patentable over Nam.

Claims 9-13 depend directly or indirectly from independent Claim 8. When the recitations of Claims 9-13 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-13 likewise are patentable over Nam.

Claim 14 recites a dishwasher door assembly including "an outer door panel comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge...and an inner door panel attached to said outer door panel."

Via Facsimile: (703) 872-9326

9D-DW-19866
PATENT

Nam does not describe or suggest an outer door panel including opposite lateral sides and a top edge, an outer surface extending between the lateral sides and the top edge, the outer surface surrounding a recessed control surface disposed beneath the top edge of the outer panel, such that the recessed control surface is mostly shielded by the top edge, and an inner door panel attached to the outer door panel. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration. Nowhere does Nam describe or suggest that the outer surface surrounds a recessed control surface disposed beneath the top edge of the outer panel. In addition, Nam neither describes nor suggests that the recessed control surface is mostly shielded by the top ledge. For the reasons set forth above, Claim 14 is submitted to be patentable over Nam.

Claims 15-16 depend directly or indirectly from independent Claim 14. When the recitations of Claims 15-16 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-16 likewise are patentable over Nam.

Claim 17 recites a dishwasher door assembly comprises "an outer door panel that includes a bowed outer surface and a recessed control surface shielded by said outer surface...and a unitary inner door panel attached to said outer door panel."

Nam does not describe or suggest a dishwasher door assembly wherein an outer door panel includes a bowed outer surface and a recessed control surface shielded by the outer surface, and a unitary inner door panel attached to the outer door panel. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration. Nowhere does Nam describe or suggest a recessed control surface. In addition, Nam neither describes nor suggests that the recessed control surface is shielded by the outer surface. For the reasons set forth above, Claim 17 is submitted to be patentable over Nam.

Claims 18-21 depend directly or indirectly from independent Claim 17. When the recitations of Claims 18-21 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-21 likewise are patentable over Nam.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-21 be withdrawn.

Via Facsimile: (703) 872-9326

9D-DW-19866
PATENT

The rejection of Claims 1-21 under 35 U.S.C. § 103 as being unpatentable over Nam in view of Kraines, U.S. Patent No. 5,537,300 (hereinafter referred to as "Kraines") is respectfully traversed.

Nam is described above. Kraines describes a control panel (20) that is a detachable control panel for an audio device, such as an AM-FM receiver and a media player as is typically found in automobiles, trucks, and other vehicles. The illuminated control panel (20) is selectively attachable and removable relative to a chassis (22) which is fixed in a dashboard (24), or other mounting surface. The chassis (22) has an opening (26) for receiving a tape cassette, or other recorded media, such as a compact disc, and further includes an electrical connector (28) which is connectable to a mating connector (not shown) on illuminated control panel (20). Attached to electrical connector (28) is a multi-conductor cable (30) having wires to supply power to illuminated control panel (20), as well as conduct input signals from the illuminated control panel (20) and provide output signals thereto.

After connecting electrical connector (28) to the illuminated control panel (20), one end (32) of illuminated control panel (20) is inserted into chassis (22), and thereafter, another end (34) of illuminated control panel (20) is inserted into chassis (22) until a tab (36) is engaged, thereby locking illuminated control panel (20) in place in the chassis (22). When in that position, illuminated control panel (20) is used to operate the radio and recorded media player. To frustrate theft of illuminated control panel (20), a push button (38) is depressed which disengages a detent (not shown) in chassis (22) operably associated with depressible push button (38), thereby releasing control panel (20) from chassis (22). After disconnecting electrical connector (28), control panel (20) is completely separated from chassis (22).

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Nam nor Kraines, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Nam with Kraines, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art

Via Facsimile: (703) 872-9326

9D-DW-19866
PATENT

that teaches or suggests to combine the disclosures, other than Applicant's own teaching. Rather, only the conclusory statement that "[w]ould have been an obvious consideration to one of ordinary skill in the art, so that the control panel is mounted within the door panel and flush with the outer surface thereof" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Nam is cited for its teaching of an outer door panel, and Kraines is cited for control mounting surface in a door panel for a control panel to sit. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection of be withdrawn.

Further, and to the extent understood, neither Nam nor Kraines, alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites an outer

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9D-DW-19866
PATENT

door panel for an appliance door assembly, wherein the outer door panel comprises "a frame comprising opposite lateral sides...an outer surface extending from said frame and bowed between said lateral sides...and a recessed control mounting surface extending inwardly from said outer surface between said lateral sides."

Neither Nam nor Kraines, alone or in combination, describe or suggest an outer door panel for an appliance door assembly, wherein the outer door panel includes a frame that includes opposite lateral sides, an outer surface extending from the frame and bowed between the lateral sides, and a recessed control mounting surface extending inwardly from the outer surface between the lateral sides. Specifically, neither Nam nor Kraines, alone or in combination, describe or suggest a recessed control mounting surface extending inwardly from an outer surface between lateral sides. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration, and Kraines describes a control panel selectively attachable and removable from a chassis which is fixed in a dashboard. As shown in Figures 1 and 3 of Kraines, chassis extends outwardly from the dashboard. Nowhere does Nam or Kraines describe or suggest that the control mounting surface is recessed. In addition, neither Nam or Kraines describe or suggest that the control mounting surface extends inwardly from the outer surface. For the reasons set forth above, Claim 1 is submitted to be patentable over Nam in view of Kraines.

Claims 2-7 depend from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are patentable over Nam in view of Kraines.

Claim 8 recites an outer door panel for a dishwasher, wherein the outer door panel comprises "a frame comprising a longitudinal axis...an outer surface covering said frame...and a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface."

Neither Nam nor Kraines, alone or in combination, describe or suggest an outer door panel for a dishwasher, wherein the outer door panel includes a frame that includes a longitudinal axis, an outer surface covering the frame, and a control panel mounting surface within the frame

Via Facsimile: (703) 872-9326

9D-DW-19866
PATENT

and surrounded by the frame outer surface, the control panel mounting surface inclined with respect to the longitudinal axis, such that the control panel mounting surface is mostly shielded by the outer surface. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration, and Kraines describes a control panel selectively attachable and removable from a chassis which is fixed in a dashboard. As shown in Figures 1 and 3 of Kraines, chassis extends outwardly from the dashboard. Neither Nam nor Kraines, alone or in combination, describe or suggest that the control panel mounting surface is surrounded by the outer surface. In addition, Neither Nam nor Kraines, alone or in combination, describe or suggest that the control panel mounting surface is inclined with respect to a longitudinal axis, such that said control panel mounting surface is mostly shielded by the outer surface. For the reasons set forth above, Claim 8 is submitted to be patentable over Nam in view of Kraines.

Claims 9-13 depend directly or indirectly from independent Claim 8. When the recitations of Claims 9-13 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-13 likewise are patentable over Nam in view of Kraines.

Claim 14 recites a dishwasher door assembly including "an outer door panel comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge...and an inner door panel attached to said outer door panel."

Neither Nam nor Kraines, alone or in combination, describe or suggest an outer door panel including opposite lateral sides and a top edge, an outer surface extending between the lateral sides and the top edge, the outer surface surrounding a recessed control surface disposed beneath the top edge of the outer panel, such that the recessed control surface is mostly shielded by the top edge, and an inner door panel attached to the outer door panel. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration, and Kraines describes a control panel selectively attachable and removable from a chassis which is fixed in a dashboard. As shown in Figures 1 and 3 of Kraines, chassis extends outwardly from the dashboard. Neither Nam nor

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**9D-DW-19866
PATENT**

Kraines, alone or in combination, describe or suggest that the outer surface surrounds a recessed control surface disposed beneath the top edge of the outer panel. In addition, neither Nam nor Kraines, alone or in combination, describe or suggest that the recessed control surface is mostly shielded by the top edge. For the reasons set forth above, Claim 14 is submitted to be patentable over Nam in view of Kraines.

Claims 15-16 depend directly or indirectly from independent Claim 14. When the recitations of Claims 15-16 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-16 likewise are patentable over Nam in view of Kraines.

Claim 17 recites a dishwasher door assembly comprises "an outer door panel that includes a bowed outer surface and a recessed control surface shielded by said outer surface...and a unitary inner door panel attached to said outer door panel."

Neither Nam nor Kraines, alone or in combination, describe or suggest a dishwasher door assembly wherein an outer door panel includes a bowed outer surface and a recessed control surface shielded by the outer surface, and a unitary inner door panel attached to the outer door panel. Rather, Nam describes a cold-storage method of kimchi jar by which kimchi in a jar is cold-stored for a predetermined period of time to thereafter be stored in refrigeration, and Kraines describes a control panel selectively attachable and removable from a chassis which is fixed in a dashboard. As shown in Figures 1 and 3 of Kraines, chassis extends outwardly from the dashboard. Neither Nam nor Kraines, alone or in combination, describe or suggest a recessed control surface. In addition, Neither Nam nor Kraines, alone or in combination, describe or suggest that the recessed control surface is shielded by the outer surface. For the reasons set forth above, Claim 17 is submitted to be patentable over Nam in view of Kraines.

Claims 18-21 depend directly or indirectly from independent Claim 17. When the recitations of Claims 18-21 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-21 likewise are patentable over Nam in view of Kraines.

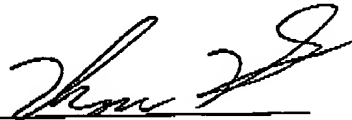
For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-21 be withdrawn.

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9D-DW-19866
PATENT

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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9D-DW-19866
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Max Douglas Oyler, et al. :
 : Art Unit: 3647
 Serial No.: 09/930,721 :
 : Examiner: Wilkens, Janet M.
 Filed: August 15, 2001 :
 :
 For: DISHWASHER DOOR :
 ASSEMBLY :

SUBMISSION OF MARKED UP CLAIMS

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Submitted herewith are marked up paragraphs and claims in accordance with 37 C.F.R. Section 1.121(b)(1)(iii) and 1.211(c)(1)(ii), wherein additions are underlined and deletions are [bracketed].

IN THE CLAIMS

1. (once amended) An outer door panel for an appliance door assembly, said outer door panel comprising:

a frame comprising opposite lateral sides;

an outer surface extending from said frame and bowed between said lateral sides;

and

a recessed control mounting surface extending inwardly from said outer surface between said lateral sides.

8. (twice amended) An outer door panel for a dishwasher, said outer door panel comprising:

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9D-DW-19866
PATENT

a frame comprising a longitudinal axis,

an outer surface covering said frame; and

a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface.

14. (once amended) A dishwasher door assembly comprising:

an outer door panel comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge; and

an inner door panel attached to said outer door panel.

17. (once amended) A dishwasher door assembly comprising:

an outer door panel comprising a bowed outer surface and a recessed control surface [depending] shielded by [from] said outer surface; and

a unitary inner door panel attached to said outer door panel.

21. (once amended) A dishwasher door assembly in accordance with Claim [17] 19 wherein said escutcheon is fabricated from plastic.

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